

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LANGEVELD BULB COMPANY,

08-4710 (WJM)

Plaintiff,

v.

ORDER

LOWE'S COMPANIES, INC.,

Defendant.

THIS MATTER comes before the Court upon Defendant Lowe's Companies, Inc.'s Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(5) for lack of personal jurisdiction and insufficient service of process; and Plaintiff Langeveld Bulb Company having failed to respond or oppose the motion within the appropriate time period; and the Court having considered Defendant's submissions; and the Court concluding that there is no evidence of or facts indicating this Court's personal jurisdiction, general or specific, over Defendant Lowe's Companies, Inc. given that: (1) Defendant is not incorporated in New Jersey nor is it registered or qualified to do business in New Jersey; (2) Defendant does not pay taxes or have any offices in New Jersey; (3) the New Jersey contacts of Defendant's wholly-owned subsidiary Lowe's Home Centers, Inc. cannot be attributed to Defendant given that there is no allegation of agency or alter ego liability; (4) the alleged agreement at issue in this action between Plaintiff and Defendant is not alleged to have been conducted or negotiated in New Jersey; (5) Plaintiff's invoice letterhead with a New Jersey post office box address, alone, is insufficient evidence of Defendant's intent to purposefully avail itself of the New

Jersey forum when such letterhead directs payment to Plaintiff at an Illinois address; and (6) there is no allegation or evidence that employees of Defendant traveled into New Jersey or communicated with Plaintiff in New Jersey pursuant to the business relationship; and the Court declining to address the issue of proper service given the lack of personal jurisdiction; and for good cause shown,

IT IS on this 9th day of December, 2008, hereby,

ORDERED that Defendant's Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(2) is **GRANTED**; and it is

FURTHER ORDERED that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

s/William J. Martini
William J. Martini, U.S.D.J.